

BILL # HB 2085

SPONSOR: Farley

PREPARED BY: Dan Hunting

TITLE: state agencies; employees; organizational rights

STATUS: As Introduced

FISCAL ANALYSIS

Description

The bill requires all agencies to recognize a properly elected employee organization and to meet and confer with that organization. In addition, the bill sets out conditions for conducting elections to select an employee organization for an agency.

Estimated Impact

The fiscal impact to the state General Fund from this bill cannot be determined in advance. The bill would allow 2 year Memorandums of Understanding between agencies and employee organizations and there may be some foregone state savings from due to this loss of flexibility.

Analysis

State employees currently have the right to join organizations such as unions. Statute currently authorizes the Department of Public Safety (DPS) to meet directly with employee representatives to negotiate at an agency level and similar abilities have been granted to all state agencies through Executive Order.

Under this bill, an agency and the elected employee organization would be required to meet and confer at least once every 2 years, although meetings could occur more frequently if requested by the employee organization. Any agreement would be limited to addressing hours and terms and conditions of employment. Wages, promotions and discipline are specifically excluded from the agreements. If an agreement cannot be reached between the agency and employee organization, the matter may be submitted for voluntary and non-binding mediation. In the event that no agreement is reached, either party may notify the Governor that the issue remains in dispute.

If at anytime an agreement is reached, it must be submitted to the Governor who may accept, reject or modify the terms of the agreement, subject to existing statutory limitations on the agency. The final decision of the Governor is binding. The agreement must be committed to writing in a memorandum of understanding and remains in effect for 2 years. As budgets may be appropriated for only 1 year at a time, a 2 year agreement may create forgone state savings if some term of the agreement would keep the state from instituting some budgetary change until the end of the agreement.

This bill also requires that the employee organization be recognized by the Arizona Department of Administration (ADOA) as an authorized group to receive membership dues through a payroll deduction. ADOA reports that they currently have the capability to fulfill this requirement. ADOA would also have the responsibility of verifying that an employee organization has met the other requirements in this bill to participate in an election. ADOA has not yet provided a cost estimate for these requirements.

Wages are explicitly excluded from the meet and confer negotiations outlined in the bill. There is some question as to whether or not benefits are negotiable under this bill. The Communications Workers of America believes that benefits are not included. However, there may be some indirect costs associated with other terms and conditions negotiated in the meet and confer process, such as verifying that names submitted on ballots are those of state employees.

Local Government Impact

None

2/12/09